

### **REMARKS**

The present application includes pending claims 1-14 and 36-49, all of which have been rejected. Claim 36 has been amended. New claims 50-53 have been added.

Claims 1-10, 12-14, 36-45 and 47-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2005/0028208 ("Ellis") in view of U.S. 2004/0003051 ("Krzyzanowski") and "common knowledge in the art." Claims 11 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 6,665,384 ("Daum").

**I. The Proposed Combination Of References Does Not Render Claims 1-10, 12-14, 36-45 And 47-49 Unpatentable**

The Applicants first turn to the rejection of claims 1-10, 12-14, 36-45 and 47-49 as being unpatentable over Ellis in view of Krzyzanowski and "common knowledge in the art."

**A. Pushing Media From A First Location To A Second Location According To A User-Defined Schedule Of Media**

Claim 1 recites, in part, "creating a **user-defined schedule of media stored at the first location** using the television at the first location; and **pushing media from the first location** to the at least one media peripheral **at the second location** according to the user-defined schedule of media created at the first location." Claim 36 recites similar limitations. Thus, the claims are clear that a user at a first location, such as a first home, defines and creates a schedule of media, not just a command to record a program that is to be broadcast or indicating a reminder for a particular program. Media is then pushed from the first location, such as the first home, to the at least one

media peripheral at the second location, such as a second home, according to the user-defined media lineup created at the first location.

The Office Action relies, in part, on Ellis at ¶¶ 99 -100 with respect to these limitations. See February 2, 2009 Office Action at page 3. These paragraphs of Ellis disclose the following:

In an illustrative system configuration using Internet service system 61, remote program guide access device 24 is a user's personal computer at work, Internet service system 61 is a web server at a cable system headend, and user television equipment 22 at the user's home contains a set-top box on which the user's program guide is implemented. Using this arrangement, the user may access features of the program guide such as setting reminders or notifications, viewing listings, program recording, setting favorites, parental control, sending messages, polling for status, or any other suitable function. For example, if a child in the user's home desires permission to watch a parentally controlled program while the user is at work, the user may access a suitable web page provided by Internet service system 61 that allows the user to enter a password and adjust the program guide parental control settings. The changed settings allowing the child access to the desired program are then automatically transferred from Internet service system 61 to user television equipment 22, while the user is still at work.

As another example, the user at work may interact with the program guide on user television equipment 22 via Internet service system 61 to select programs for recording on the user's home videocassette recorder, or to schedule program reminders that will appear on the user's home television or remote program guide access device just before a program is broadcast.

Ellis at ¶¶ 99 -100 (emphasis added). As shown above, the cited portions of Ellis disclose that a user may set reminders with respect to programs that are being broadcast and to select broadcast programs to record. Further, the cited portions of

Ellis disclose that a user may adjust parental controls to allow a child to watch a broadcast program. However, there is nothing in the cited portions of Ellis that describes, teaches or suggests that the user him/herself schedules media that is to be sent from his/her location to another location. That is, while the cited portions of Ellis disclose that a user may select programs to record or reminders for particular programs, they do not describe, teach or suggest that the user schedules media to be broadcast. Further, even if one assumes that selecting programs to record is scheduling a media lineup (which the Applicants do not assume), there is nothing in the cited portions of Ellis that describes, teaches or suggests that media is pushed from a first location to a media peripheral at a second location according to the user-defined schedule of media.

The Office Action acknowledges, however, that “Ellis does not explicitly indicate ... defining a schedule of media at a first location using the TV and pushing the media from that location.” See February 2, 2009 Office Action at page 3. The Office Action relies on Krzyzanowski for these limitations. See *id.* at page 4.

Krzyzanowki relates to “home” networks, or networks within a single location. For example, Krzyzanowki discloses the following:

The present invention is directed towards the centralized command and control of a plurality of devices and/or applications **within a controlled environment, such as a home, business, school, etc..** Therefore, in embodiments of the present invention, the controlled environment is a residential environment. The residential environment pertains to the confines of a home, apartment, mobile home, houseboat, or other types of residences. However in embodiments, the residential environment includes the surrounding area of the residence, as well as any shelters, constructs, improvements, or the like, **within a designated perimeter.**

See Krzyzanowki at [0032] (emphasis added). Thus, Krzyzanowski relates to a “home” network. The “surrounding area” mentioned still is part of the home. In particular, this surrounding area may be, for example, a backyard of the home. See *id.* at [0036] (“Accordingly, the user would be able to watch a television program while lounging near a swimming pool or in a whirlpool bath”). The “home” network contemplated in Krzyzanowski may also be applied to a “non-residential environment.” See *id.* at [0033]. However, Krzyzanowski only discloses embodiments that communicate within a single location (e.g., a single home or a single office building). See *id.*, e.g., at [0137] (“As the user migrates from **room to room within the controlled environment**, system 110 tracks controller client 110 and retrieves a region profile for each region”).

Krzyzanowki does not describe, teach or suggest “pushing media **from the first location** to the at least one media peripheral **at the second location** according to the user-defined schedule of media created **at the first location**,” as recited in claim 1, or “push[ing] media from **the first geographic location** to the at least one media peripheral at the **second geographic location** according to the user-defined schedule of media created **at the first geographic location**,” as recited in claim 36. Further, the Office Action acknowledges that “Ellis does not explicitly indicate ... defining a schedule of media at a first location using the TV and pushing the media from that location.” See February 2, 2009 Office Action at page 3. Indeed, none of the cited references describes, teaches or suggests such limitations. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination of references does not render the pending claims unpatentable.

**B. User-Defined Schedule Of Media**

Moreover, the cited references do not describe, teach or suggest a “user-defined schedule of media.” As noted above, the Office Action acknowledges that “Ellis does not explicitly indicate ... defining a schedule of media at a first location using the TV and pushing the media from that location.” See February 2, 2009 Office Action at page 3. In an attempt to overcome this deficiency, the Office Action relies on Krzyzanowski, particularly at [0133]. See *id.* at page 4.

This cited portion of Krzyzanowski merely discloses a “playlist.” See Krzyzanowski at [0133]. A playlist is not necessarily a “schedule” of media to be played. For example, an individual may download of plurality of MPEGs to an MPEG player (such as an iPod). Those MPEGs are listed (i.e., a playlist) on the MPEG player (e.g., an iPod lists a number of songs that a user has downloaded, although those songs are not “scheduled” by the user). However, the downloaded MPEGs are not scheduled for playback. Instead, a user may select which songs he/she wants to play at a particular time (akin to replaying a song from a compact disk). Additionally, there is nothing in Krzyzanowski that describes, teaches or suggests that media from that playlist is pushed to another location that is separate and distinct from the location of the user that established the playlist. The proposed combination of references does not describe, teach or suggest a “user-defined schedule of media.” Thus, for at least these reasons, the proposed combination of references does not render the pending claims unpatentable.

## **II. Claims 11 and 46**

For at least the reasons discussed above, the Applicants respectfully request reconsideration of the rejection of claims 11 and 46 as being unpatentable over Ellis in view of Daum.

## **III. New Claims 50-53**

New claims 50 and 52 recite, in part, “wherein the first ... location is a first home and the second ... location is a second home.” New claims 51 and 53 recite, in part, “wherein the user-defined schedule of media comprises a plurality of media content scheduled according to date and time.” The Applicants respectfully submit that the proposed combination of references does not describe, teach or suggest these limitations. The fee for these new claims is \$208 (4 new dependent claims X \$52/claim).

## **IV. Conclusion**

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection).

The Applicants respectfully request reconsideration of the claim rejections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

Appln. No.: 10/672,648  
Amendment Under 37 C.F.R. § 1.111

The Commissioner is authorized to charge any necessary fees, including the \$208 fee for new claims 50-53, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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